

REMARKS

Examiner found that applicant had not satisfied one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §119 as the document number of the priority document was not consistent in the declaration, first paragraph of the specification and in the cover letter claiming priority. The information disclosure statement was found to not comply with 37 C.F.R. §1.98(a)(2) for not providing a copy of EP document 1 107 039. The information disclosure statement was found to not comply with 37 C.F.R. §1.98(a)(3) for not including a concise explanation of the relevance of the cited patents not in the English language. The incorporation of essential material in the specification by reference to a foreign application or patent was found improper. Claims 1 to 7, 11, 13, 14, 16 to 18, 21, 24 and dependent claims 15, 19 and 25 were rejected under 35 U.S.C. §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4, 6 and 21 were objected to because of informalities. Claims 1 to 5, 8, 9, 11, 12, 14, 17, 22 and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Suzuki (US 6,172,788). Claims 1 to 7, 11, 17 and 22 to 25 were rejected under 35 U.S.C. §102(e) as being anticipated by Ishibe (US 2001/0026391). Claims 8 to 10 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ishibe in view of Konnunaho et al. (US 6,603,498). Claims 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. or Ishibe in view of Chandler et al. (US 4,654,170). Claims 13, 15, 16 and 21 were found to be allowable if rewritten to overcome the rejections under 35 U.S.C. §112 second paragraph. Claim 20 was held to be allowable if rewritten in independent form including all limitations of the base claims and any intervening claims. Claims 1, 4 to 6, 11 to 14, 16, 21 and 24 were amended. Claims 15, 20 and 25 were canceled. New claims 26 to 42 are introduced with this amendment.

Reconsideration of the application based on the following is respectfully requested

Priority Document

Examiner found that applicant had not satisfied one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §119 as the document number of the priority document was not consistent in the declaration, first paragraph of the specification, the application data sheet and in the cover letter claiming priority.

Applicants claim priority to German patent application DE 102 33 491, filed July 24, 2002. This is exactly the same application as DE 102 33 491.9 in the certified copy. As per MPEP 201.14(d) (Germany), the last digit after the period is for error control and does not indicate a different application. The priority claim and certified copy identify the same application and applicants thus respectfully request that the claim to priority of German Patent Application DE 102 33 491, filed July 24, 2002 be entered. Should a new declaration still be required in view of this explanation, applicants will submit such a declaration at a later date.

Information Disclosure Statement

The information disclosure statement was found to not comply with 37 C.F.R. §1.98(a)(2) for not providing a copy of EP document 1 107 039. The information disclosure statement was found to not comply with 37 C.F.R. §1.98(a)(3) for not including a concise explanation of the relevance of the cited patents not in the English language. EP 11 07039, filed June 13, 2001, corresponds to U.S. 6,512,780 to Dieckmann, issued January 23, 2003. Since U.S. Patent No. 6,512,780 has been considered and is cumulative to EP 11 07039, a new copy is not being submitted herewith.

Specification

The incorporation of essential material in the specification by reference to a foreign application or patent was found improper. U.S. Publication No. 2002/0005890A1 corresponds directly to German Patent Application DE 100 31 915A1 and was cited and incorporated by reference by applicants. Applicants have amended the specification to only refer to U.S. Publication No. 2002/0005890. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. §112

Claims 1 to 7, 11, 13, 14, 16 to 18, 21, 24 and dependent claims 15, 19 and 25 were rejected under 35 U.S.C. §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Paragraph [0004] of the specification has been amended to clarify the definition of macro-optics or macro-optical system. Macro-optics as defined in the application permit projection of at least

two together, i.e. globally, as opposed to micro-optics which can adjust the light sources individually. (See [0004] to [0006] for example).

Claims 4, 5, 6 and 21 were amended to correct informalities.

Withdrawal of the rejections under 35 U.S.C. §112 is respectfully requested.

Claim Objections

Claims 4, 6 and 21 were objected to because of informalities. Claims 4, 6 and 21 have been amended as suggested to correct informalities and typographical errors.

Withdrawal of the objections is respectfully requested.

Claim Rejections under 35 U.S.C. §102

Claims 1 to 5, 8, 9, 11, 12, 14, 17, 22 and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Suzuki (US 6,172,788). Claims 1 to 7, 11, 17 and 22 to 25 were rejected under 35 U.S.C. §102(e) as being anticipated by Ishibe (US 2001/0026391). Claim 1 has been amended to contain the limitation of allowable claim 20.

Withdrawal of the rejections under 35 U.S.C. §102(e) is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. or Ishibe in view of Chandler et al.(US 4,654,170). Claim 1 has been amended to contain the limitation of allowable claim 20.

Withdrawal of the rejections under 35 U.S.C. §103(a) thus is respectfully requested.

New Claims


Applicants introduce new claims 26 to 42 with this amendment.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

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